

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of June 2006, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 WILLIAM MARYNIEWSKI, MEMBER

 JAMES PERRY, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JEFFREY SIMME, BUILDING INSPECTOR

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF RICHARD & ARLENE KUREK:

THE 1st CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Richard and Arlene Kurek, 2 Biscayne Drive, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six foot [6'] high fence in a required open space area on premises owned by the petitioners at 2 Biscayne Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Biscayne Drive with an exterior side yard [considered a front yard equivalent] fronting on Seitz Road. The petitioner proposes to erect a six foot [6'] high fence within the required open space area of the exterior side yard fronting on Seitz Road.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three feet [3'] in height. The petitioners, therefore, request a three foot [3'] fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Richard Kurek, petitioner 2 Biscayne Drive Lancaster, New York 14086	Proponent
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Arlene Kurek, petitioner 2 Biscayne Drive Lancaster, New York 14086	Proponent
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IN THE MATTER OF THE PETITION OF RICHARD & ARLENE KUREK

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. MARYNIEWSKI
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard and Arlene Kurek and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of June 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the property upon which this variance is petitioned is a through lot, namely the rear lot line of this premises adjoins the rear lot line of the premises behind it.

That no driveway sight lines are or will be obscured by the granting of this variance.

That this Board has received a letter from Mr. & Mrs. Henry Budzynski, 21 Seitz Avenue opposing the granting of this variance and that the issues raised in this letter have been noted and been given due weight by this Board in their deliberations of this matter.

That sight inspection of the neighborhood at and about Seitz Avenue discloses the existence of three fences six feet [6'] in height on corner lots on Seitz Avenue.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The southwest corner of the fence be constructed at an angle less than 90° to the satisfaction of the Building Inspector.
- That the fence be set back two feet [2'] north of the existing sidewalk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

June 8, 2006

PETITION OF CHRISTINE RING & WILLIAM HURLEY:

THE 2nd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Christine Ring and William Hurley, 58 Schlemmer Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition to an existing barn on premises owned by the petitioners at 58 Schlemmer Road, Lancaster New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the existing structure is 1,492.88 square feet. The plans call for the demolition of 267.75 square feet and the addition of 1,008 square feet bringing the total area of the barn to 2,233.13 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 1,483.13 square foot accessory structure area variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

William Hurley, petitioner 58 Schlemmer Road Lancaster, New York 14086	Proponent
Christine Ring, petitioner 58 Schlemmer Road Lancaster, New York 14086	Proponent

IN THE MATTER OF THE PETITION OF CHRISTINE RING & WILLIAM HURLEY

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Christine Ring and William Hurley and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of June 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That while the subject property is near 62 Schlemmer Road, the owners of 62 Schlemmer Road have not expressed dissatisfaction with the improvements made at the subject property.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought. This is the most logical way to repair the structure.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the petitioners have gone through extensive renovation of property and will bring it back to its full use.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

June 8, 2006

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:50 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: June 8, 2006

